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of the civil
rights guidelines

BOARD OF REGENTS OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM

METHODS OF ADMINISTRATION FOR THE IMPLEMENTATION OF THE CIVIL RIGHTS GUIDELINES

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PREFACE

The Fiftieth Session of the Montana State Legislature changed the governance of the Montana vocational-technical school system from the Superintendent of Public Instruction to the Montana Board of Regents of Higher Education. It also assigned the Board of Regents the sole state agency responsibilities for the Carl D. Perkins Vocational Education Act of 1984 for Montana. With sole state agency status goes the repsonsibility for monitoring civil rights compliance of all recipients of federal funds from the Department of Education that operate vocational education programs. These changes became effective July 1, 1987.

This revision of the previously approved Methods of Administration for the Implementation of the Civil Rights Guidelines (approved in 1982 and revised in 1986) reflects the change of sole state agency status. This revision continues and modifies the compliance review schedule begun in 1986 and scheduled for completion by June 30, 1990. Unless revised, it is also intended to cover subsequent five-year civil rights compliance review periods.

PART I--INTRODUCTION

A. Development of the Methods of Administration (MOA)

This section describes the process used to develop and review Montana's Methods of Administration (MOA) prior to its submission to the Bureau of Occupational and Adult Education (BOAE).

1. Identification of Responsible and Participating Agencies

a. The Montana Board of Regents of Higher Education is Montana's sole state ageny for the Carl D. Perkins Vocational Education Act of 1984. With sole state agency status goes the responsibility for monitoring civil rights compliance of all recipients of federal funds from the Department of Education that operate vocational education programs. The Board's administrative support resides in the office of the Commissioner of Higher Education, the Board's executive officer. The portion of the Commissioner's office responsible for development of Montana's MOA of the OCR Guidelines is the Vocational-Technical Education Division under the supervision of the Deputy Commissioner for Vocational-Technical Education.

b. Other staff of the Commissioner or Deputy Commissioner who participated in reviewing the draft MOA are:

- Chief Legal Counsel
- Director of Personnel and Labor Relations
- Director of Research and Planning
- Human Resource Development Officer
- Director, Educational Talent Search Program.

c. Organizations and agencies outside of the staff of the Board of Regents who reviewed the drafts are:

- Office of Public Instruction (OPI)
- Montana Council for Vocational Education
- Human Rights Division of the Department of Labor and Industry
- Department of Labor and Industry Employment Policy Division staff with Job Training Partnership Act (JTPA) responsibilities.

2. Review of the MOA

a. The first draft of the document was reviewed by all personnel listed in Part I, A(1).

b. The Vocational-Technical Education Division and a representative of OPI reviewed the draft resulting from the first review. The second review involved the following staff:

- o Deputy Commissioner for Vocational-Technical Education
- o Chief Legal Counsel
- o Director, Federal Vocational Grants
- o Human Resource Development Officer
- o State Director for K-12 Vocational Education, OPI

B. Approval of the MOA

Final review of the MOA and approval of the document for submission to the Board of Regents was made by the following:

- o Commissioner of Higher Education
- o Deputy Commissioner for Vocational-Technical Education
- o Chief Legal Counsel

The Board of Regents reviewed the revised MOA at their June, 1988, meeting. The approved MOA was then submitted to the BOAE.

PART II--ORGANIZATION TO MEET CIVIL RIGHTS RESPONSIBILITIES

A. Introduction

1. The Board of Regents of Higher Education, in accordance with the Constitution of the State of Montana and applicable Montana statutes, has the authority to supervise, coordinate, manage, and control the Montana University System. The Board also supervises and coordinates Montana's three state-supported community colleges and the vocational-technical centers. The Board shall act as the sole state agency for the administration of this MOA for postsecondary vocational education applications and shall, through an arrangement with OPI, ensure its application to secondary vocational education.

2. The Superintendent of Public Instruction, in accordance with the Constitution of the State of Montana and applicable Montana law, is the State Educational Agency (SEA) for Montana. The Superintendent is the governing agent and executive officer of the State of Montana for the supervision of public elementary and secondary schools.

B. Organization and Administrative Structure

1. The Board of Regents of Higher Education has the responsibility for directing the civil rights compliance program for vocational education. Responsibilities include, but may not be limited to, the following:

   - o The review of internal policy
   - o The development of a civil rights compliance program
   - o The development of technical assistance activities.

2. The person designated and responsible for directing the activities of the compliance program is the Deputy Commissioner for Vocational-Technical Education.

3. The organizational chart in Appendix A shows the outline of authority from the Board of Regents of Higher Education to the Deputy Commissioner for Vocational-Technical Education and the deputy's staff. Appendix B illustrates the line of authority from the Superintendent of Public Instruction to the State Director for K-12 Vocational Education and the director's staff.

4. The administrative structure developed for review of internal policy:

   a. The review of the state's postsecondary vocational education policies and procedures will be conducted by the Director of Federal Vocational Grants. This staff member will then report to the Deputy Commissioner for Vocational-Technical Education regarding any necessary changes or additions to the policies;

   b. The review of the state's secondary vocational education policies and procedures will be conducted by Vocational Education Services staff. This staff member will then report to the State Director of K-12 Vocational Education regarding any necessary changes or additions to the policies and/or procedures. The State Director for K-12 Vocational Education will inform the Deputy Commissioner of any deficiencies noted and changes made.

5. Administration of the civil rights compliance program to all applicable subrecipients will be coordinated and directed by the following:

   - o Deputy Commissioner for Vocational-Technical Education
   - o State Director for K-12 Vocational Education

6. Provisions for technical assistance will be coordinated by the Deputy Commissioner for Vocational-Technical Education with the State Director of K-12 Vocational Education. Assigned technical personnel in Vocational Education Services, OPI, will render assistance to secondary subrecipients.

C. Personnel

1. The committee assigned to implement the civil rights compliance program is composed of the following:

- Brady J. Vardemann, Deputy Commissioner for Vocational-Technical Education
- LeRoy H. Schramm, Chief Legal Counsel
- Sylvia R. Clack, Director of Federal Vocational Grants
- Carol J. Farris, Human Resource Development Officer
- James D. Whealon, State Director of K-12 Vocational Education, OPI.

2. They will be assisted by the following staff from OPI:

- Leonard Lombardi, Education Specialist
- Judy Birch, Education Specialist
- Mary E. MacAulay, Education Specialist
- Marion Reed, Education Specialist
- Roger Swearengen, Education Specialist

The staff of the Office of the Commissioner of Higher Education may be reached at the following address and phone number:

Office of the Commissioner of Higher Education
33 South Last Chance Gulch
Helena, MT 596202602
(406)444-6570

The staff of the Office of the Superintendent of Public Instruction may be reached at the following address and phone number:

State Director of K-12 Vocational Education
1300 Eleventh Avenue
Helena, MT 59620
(406)444-2413

PART III--REVIEW OF STATE POLICIES AND PROGRAMS

A. Introduction

The intention of the Board of Regents is to establish a uniform procedure to prevent, identify, and remedy discrimination on the basis of race, color, national origin, sex, or handicap in vocational education programs. This procedure will be followed by all subrecipients and contractors delivering vocational education services and receiving federal funds from the Department of Education.

The Deputy Commissioner for Vocational-Technical Education has the responsibility for review of all policies to assure freedom from discrimination. Assistance will be provided by the State Director of K-12 Vocational Education in regard to polices and programs affecting secondary vocational education in Montana.

B. Review of Policies and Procedures

1. To assure freedom from discrimination, the Deputy Commissioner for Vocational-Technical Education will direct the review of the following policies and procedures:

   a. State policies and procedures outlining formulae for distribution of federal and state funds for vocational education;

   b. State policies and procedures outlining requirements for admission to, or administration of, vocational education programs, which may include project applications and evaluation forms;

   c. State policies and procedures for approving actions by local entities providing vocational education;

   d. State policies and procedures governing the conduct of the Board of Regents and the Office of the Superintendent of Public Instruction and their agents in regard to vocational-technical education.

2. Procedures for Review

   a. The committee assigned to implement the compliance program (see Part II, C(a)) will compile the policies and procedures and other documents listed in Part III, A and B. The committee will then assign other personnel (listed in Part II, C(b)) to review all relevant provisions of the Guidelines, Federal Register, dated March 21, 1979;

b. The assigned personnel will then review the policies and procedures to determine whether they result in discrimination or have a discriminatory effect. If applicable, the staff will indicate the necessary actions to correct inconsistencies found in the State Plan for Vocational Education, and State Administrative Procedures for Vocational Education;

c. All materials reviewed will then be returned to the committee where the reviewed policies and procedures will be revised and distributed to all concerned. The policy review process will be completed by June 10, 1988.

3. Offices Responsible for the Review

The office responsible for the review is the Office of the Commissioner of Higher Education, Vocational-Technical Education Division, under the supervision of the Board of Regents of Higher Education, with assistance from the State Director of K-12 Vocational Educaiton, Office of the Superintendent of Public Instruction.

4. Schedule for Review

Assigned personnel will complete the review of the policies and procedures prior to June 10, 1988. The results of the review will be included in the 1988 Annual Civil Rights Compliance Report. The following chart indicates the personnel assigned to complete the review:

Resources	Personnel
State Plan for Vocational Education	Director, Federal Vocational Grants
	State Director for K-12 Vocational Education
Montana University System Policies and Procedures Manual	Director, Federal Vocational Grants

Further reviews will be conducted and reported in future Annual Civil Rights Compliance Reports from Montana if there are any significant changes in policies or procedures that could affect civil rights compliance.

C. Review of State-operated Institutions and Programs

1. The Board of Regents directs the six units of the Montana University System and supervises the three state-supported community colleges and the five vocational-technical schools. Civil rights compliance will be determined during the on-going agency level review(desk audit)/on-site compliance reviews of grant subrecipients -- those colleges and universities eligible to receive federal funds -- either because they offer vocational-technical education programs at less than the baccalaureate level, or because they provide programs in support of secondary or postsecondary vocational-technical education. Those units include:

   - Montana State University
   - Northern Montana College
   - Western Montana College
   - Dawson Community College
   - Flathead Valley Community College
   - Miles Community College

   The five vocational-technical centers also subject to civil rights compliance assessments are:

   - Billings Vocational-Technical Center
   - Butte Vocational-Technical Center
   - Great Falls Vocational-Technical Center
   - Helena Vocational-Technical Center
   - Missoula Vocational-Technical Center

   All state-operated postsecondary educational institutions under the jurisdiction of the Montana Board of Regents and participating in vocational education will receive at least a desk audit within the five-year review period of fiscal years 1986 through 1990 and during each subsequent five-year review period. A minimum of five percent of these institutions will receive an on-site review of civil rights compliance within each five year period.

2. Other state-operated institutions that operate vocational education programs, receive federal funds from the Department of Education and that are not under the jurisdiction of the Board of Regents are the following correctional institutions:

   Department of Institutions

   - Montana State Prison
   - Swan River Youth Forest Camp
   - Women's Correctional Center
   - Billings Pre-release Center
   - Missoula Pre-release Center

This listing does not include community-based organizations that provide pre-release services, but are not state-operated facilities.

Department of Family Services

- Pine Hills School
- Mountain View School

These state-operated correctional institutions will be desk-audited and included in the pool of potential on-site audits only if they become subrecipients of Department of Education funds within the five-year period of FY86 - FY90, or subsequent review periods.

PART IV--ENSURING COMPLIANCE BY SUBRECIPIENTS

A. Statement of Objectives

The Montana Board of Regents of Higher Education has the responsibility to oversee the compliance of subrecipients with civil rights laws. The objectives of this civil rights compliance are:

1. To collect and analyze information for vocational education programs and services among all secondary and postsecondary subrecipients to identify those subrecipients that may need assistance in achieving equal access to vocational education in Montana.

2. To conduct on-site compliance visits of selected secondary and postsecondary subrecipients offering vocational education to determine if any unlawful discrimination exists.

3. To provide technical assistance as needed to prevent and eliminate discriminatory practices of secondary and postsecondary subrecipients.

4. To obtain voluntary compliance where possible of any subrecipient found in noncompliance with civil rights laws in regard to its vocational education programs or services.

The Montana Board of Regents contracts with the Superintendent of Public Instruction to provide all necessary civil rights compliance activities and technical assistance for secondary education subrecipients.

B. Agency Level Reviews (Desk Audits)

The Division of Vocational-Technical Education and OPI's Vocational Education Services will conduct desk audits of sample subrecipients each year. The personnel assigned will analyze data and documents relating to subrecipients to ascertain the extent to which subrecipients appear to be in compliance with OCR Guidelines. This will facilitate the identification of programs in potential noncompliance which may be in need of technical assistance and/or corrective measures.

1. Methods for Selecting Subrecipients for Review (Desk Audit)

a. The subrecipients for desk audits will be selected from both the secondary and postsecondary groups. Those subrecipients considered most likely to have compliance problems will be audited at the beginning of each five-year cycle.

- The secondary subrecipients will include local education agencies(LEA's) or other eligible recipients(OEA's) serving secondary-school aged populations. A sample of 20% of the total LEA/OEA's with vocational education programs will be selected each year for a desk audit. (See Appendix C for a listing of the LEA's and the other eligible recipients, including community based organizations (CBO's) and correctional institutions, serving secondary populations.)

- The postsecondary vocational-technical education program and services subrecipients will be desk-audited in sufficient numbers each fiscal year so that 100% of the state-operated institutions of higher education offering vocational-technical education programs or support will be audited by fiscal year end 1990 and within each subsequent five-year period. This includes three colleges and universities, three community colleges, five vocational-technical centers and all CBO's providing postsecondary vocational-technical education programs or services and receiving funds from the Department of Education. In order to meet this standard, it will be necessary to desk audit more than 20% of these subrecipients per year through fiscal year 1990. In the next five-year cycle, 20% will be desk audited each year. (See Appendix D for a listing of the postsecondary CBO's and correctional institutions involved.)

b. The subrecipients to be desk-audited each year will be selected from the "universe" of subrecipients remaining after the following have been deleted from the list:

- o Those vocational education programs previously reviewed or scheduled for review by the State or Denver OCR in the five-year cycle;
- o Those vocational education programs that are the subjects of pending litigation in federal or state courts because of alleged discrimination on the basis of race, color, national origin, sex, handicap, and/or age;
- o Those vocational education programs that are the subjects of pending or recent litigation or enforcement proceedings by OCR.

2. Information received from the following sources will be considered when determining which subrecipients are most in need of timely review:

a. Reports from the Human Rights Division of the Montana Department of Labor and Industry;

b. Reports from the Montana Council on Vocational Education that raise questions about potential civil rights compliance;

c. Reports of possible noncompliance obtained from complaints filed by parents, students, civil rights groups, or others;

d. Information or reports from OCR that indicate possible compliance problems of subrecipients;

e. Student enrollment reports by gender by program;

f. Data from on-site program evaluations;

g. Information from applications for participation in apprenticeship programs;

h. Data from other pertinent sources.

3. Procedure To Be Followed in Notifying Subrecipients of Pending Desk Audits

All subrecipients that will undergo a desk audit within a particular calendar year will be notified of that fact at

least 30 days prior to the date of the audit. Notification will be given by first-class letter to either secondary or postsecondary subrecipients under the supervision of the State Director of K-12 Vocational Education or the Deputy Commissioner for Vocational-Technical Education, respectively. This letter, in addition to notification, will include the following:

a. An explanation of the reason and authority for the desk audit;

b. A description of the process to be used in the desk audit;

c. A time frame for the review;

d. A request for additional information from the subrecipient, if necessary;

e. An indication of how they will be notified of results;

f. The name of the person who will be in charge of the desk audit.

4. Results of the Desk Audit

When all desk audits are completed, each desk-audited subrecipient will receive written notification of one of the following three statuses in regard to further compliance review:

a. Because no compliance problems were found, there will be no on-site review of the subrecipient that year, although the subrecipient has the continuing obligation to ensure that its programs are operated in compliance with civil rights requirements and may be reviewed by OCR during the year;

b. There will be an on-site review of the subrecipient during the year, although no problems of civil rights compliance were revealed by the desk audit;

c. There will be an on-site review of the subrecipient because the desk audit revealed some possible civil rights violations (as listed in the letter) which will be reviewed along with the subrecipient's general operations.

5. Schedule For the Desk Audit

The timetable for completion of the agency level review/

desk audit process will be approximately as follows:

September/October	Selection of subrecipients to be desk-audited
November	Formal notification of desk audit
December/January	Compilation of necessary documentation (see Part IV, B.2)
February	Desk audit and formal notification of desk audit results, on-site review status

C. On-Site Reviews

On-site reviews will be conducted annually on at least five percent of secondary and and five percent of postsecondary subrecipients.

1. Selection of Subrecipients for On-Site Compliance Review

The intent of the on-site review is to investigate, in greater depth, subrecipients that have been identified as having potential compliance problems. Therefore, the Montana selection process for on-site reviews is based primarily on the findings of the desk audits. The selection proceudre will rely on the data from the Desk Audit Summary Checklist (Appendix E).

A sum of checks in the questionable column is calculated -- deriving a score or compliance index for each subrecipient. The highest-scoring subrecipients have the greatest number of potential compliance problems. The highest-scoring subrecipients representing 25 percent of the secondary, and 25 percent of the postsecondary, desk-audited subrecipients will then be selected for on-site visits. If there are fewer than the targeted number of secondary and postsecondary subrecipients with a compliance index of greater than zero, the differences in each group will be randomly selected (through use of a table of random numbers) from the list of those receiving the desk audit.

2. Procedure For Notification of Pending On-Site Review

Each subrecipient identified for an on-site review will be notified at least 30 days prior to the date of the

on-site. This will be accomplished through formal correspondence. Notification addressed to secondary subrecipients will be signed by the State Director for K-12 Vocational Education, OPI. Letters addressed to post-secondary subrecipients will be sent under the supervision of the Deputy Commissioner for Vocational-Technical Education, Board of Regents of Higher Education. The notification will provide an indication of the dates of the pending on-site review, a brief description of the procedures that will be used and an agenda for the on-site review. A list of items or documents also will be requested to be provided prior to and during the on-site review.

3. General Areas of Inquiry in On-site Review

The on-site review will focus initially on the items included in the desk audit to allow the verification of those findings. These items or features (see "Desk Audit Checklist") include personnel, enrollment and equity activity. The second stage of the on-site review will focus on broader issues. The following areas will be covered at minimum:

a. Discriminatory faculty assignments;

b. Failure to provide access to, and/or special provisions for, handicapped students in programs;

c. Inadequate procedures for notifying the public of the subrecipient's nondiscriminatory policies and practices;

d. Numerical limitations for admission of students to vocational education centers or programs that may result in discrimination;

e. Criteria limiting admission to vocational education centers and vocational programs where admission depends on, for example, past academic performance, record of disciplinary infractions, counselors' approval, teachers' recommendations, interest inventories, high school diplomas or standardized tests;

f. Inadequate programs for students with limited English speaking skills;

g. Potential discrimination in financial aid programs;

h. Sex and racial bias within counseling, service and instructional programs.

4. Conducting On-Site Reviews

a. The on-site reviews will be conducted by assigned staff of the Deputy Commissioner for Vocational-Technical Education and the State Director for K-12 Vocational Education for postsecondary and secondary subrecipient on-site reviews, respectively.

b. The agenda for on-site review may vary depending on the severity of compliance problems identified in the desk audit. Appendix F contains a chart of the techniques, data sources and review instruments to be used.

5. Methods Used to Analyze On-Site Review Data

A checklist (see Appendix G) will be completed for each on-site review which specifies minimum standards for compliance in each area subject to review. The checklist will be reviewed and a specific policy, procedure or activity which does not meet the criteria of compliance will be noted on the checklist. This information will be relayed to the subrecipient in the "Letter of Findings" and retained in the file of the auditing agency. All information in the auditing agency's files will be revised as compliance standards are met.

6. On-Site Review Report to Subrecipients (Letter of Findings)

The auditing agency will prepare a send a Letter of Findings(LOF) to each subrecipient reviewed on-site (with a copy to the regional OCR) within thirty (30) days after each on-site visit. The letter will state either that:

a. Although no violations were found, there is a continuing obligation to comply with civil rights laws and a review by OCR is still possible; or

b. Violations have been found. If the subrecipient wishes to discuss the findings, it shall contact the Deputy Commissioner for Vocational-Technical Education. The Deputy Commissioner will schedule a meeting with the subrecipient (and the State Director for K-12 Vocational Education, if a secondary subrecipient) for the purpose of clarifying the on-site results and assisting the subrecipient in preparing a plan of compliance.

D. Voluntary Compliance Plans for Subrecipients

A subrecipient that is in noncompliance with respect to civil rights practices will be required to take steps to eliminate the violation. It is the goal of the auditing agencies to provide technical assistance to the subrecipients in order to facilitate their compliance. If the violations are minor, the subrecipient may describe the corrective action in written correspondence to the auditing agency. If the violations are extensive, a formal voluntary compliance plan will be required.

1. Components of a Compliance Plan

The compliance plan will be expected to contain the following components:

a. Compliance problem(s);

b. Remedial activity or tasks;

c. Planned initiation date;

d. Planned completion date;

e. Person responsible;

f. Needed resources;

g. Needed technical assistance;

h. Date for reporting compliance to the Deputy Commissioner for Vocational-Technical Education for postsecondary subrecipients and for reporting to the State Director of K-12 Vocational Education for secondary subrecipients.

The form entitled "Voluntary Plan of Compliance" found in Appendix H will be sent to each subrecipient that must file a formal plan. This form is to be used by subrecipients in planning and reporting remedial action.

2. Time Frame For Assisting Subrecipients to Comply

All subrecipients found to be in noncompliance following on-site review must prepare and submit correspondence or a voluntary compliance plan within 90 calendar days of receipt of the Letter of Findings from the auditing agency.

3. Monitoring Process

Voluntary compliance plans of subrecipients will be monitored through the staff actions:

a. Review actions identified and described by the subrecipient in their Voluntary Compliance Plan which, when implemented, will remediate the specific findings of noncompliance;

b. Conduct any appropriate telephone contacts or visitations to verify implementation of actions;

c. Request any appropriate documentation which will assist in monitoring the plan for compliance;

d. Provide written evaluation to subrecipients as to whether the implementation of the Voluntary Compliance Plan sufficiently remediate the specific findings of noncompliance.

4. Notification to Office of Civil Rights

The Board of Regents shall report to OCR the details of findings on noncompliance for each secondary or postsecondary subrecipient that fails to take corrective action to remedy violations found during compliance review. The report shall include documentation that indicates the extent and efforts made to assist subrecipients to take corrective actions. The reports will be submitted within 30 calendar days after it has been determined that voluntary compliance cannot be achieved.

E. Technical Assistance

The auditing agencies will work with subrecipients to prevent discrimination as well as to detect discrimination and to seek corrective action. The provision of technical assistance will be a continuous process based upon need. The technical assistance will be provided to accomplish the following objectives:

1. Technical Assistance Objectives

a. To assist subrecipients to comply with the areas of inquiry identified in the on-site review;

b. To assist subrecipients to comply with title VI of the Civil Rights Act;

c. To assist subrecipients to comply with Title IX of the Civil Rights Act;

d. To assist subrecipients to comply with Section 504 of the Rehabilitation Act;

e. To assist subrecipients through the procurement of other materials which are deemed necessary for compliance;

f. To assist subrecipients through the identification of available funds to support equity activities; and

g. To assist subrecipients in understanding the mandates of equity legislation.

2. Procedures For Notifying Subrecipients of Availability of Technical Assistance

The availability of technical assistance will be publicized but not limited to the following:

a. At the time of desk audit notification;

b. At the time of on-site notification;

c. At the time of the on-site review;

d. At the time of notification of on-site results;

e. At the time of meeting to discuss findings and compliance plan;

f. The "Montana Schools" quarterly publication.

g. In each Carl D. Perkins Vocational Education Act grant notification letter to all postsecondary subrecipients.

3. Technical Assistance Personnel

Program staff of the Board of Regents and Vocational Education Services will provide technical assistance to postsecondary and secondary subrecipients, respectively.

PART V--REPORTING TO THE DEPARTMENT

A. The Annual Civil Rights Compliance Report

The Montana Board of Regents of Higher Education will submit an annual report each July, beginning on July 1, 1988, to the U. S. Department of Education, Bureau of Occupational and Adult

Education (BOAE). All required relevant information concerning civil rights compliance activities and documentation for secondary education subrecipients will be provided to the Deputy Commissioner of Vocational Technical Education by the Assistant Superintendent for Administrative/Vocational Education Services for inclusion in the Board of Regents' annual civil rights compliance report. The annual report will include the following content areas:

1. Compliance Organization and Staff

   The Board of Regents will report any modifications to Part II regarding staff authority, structure and personnel.

2. State Policy Review

   The Board of Regents of Higher Education, under this section, shall comment on its review of policies to assure that the state agency in the conduct of its programs and service did not "...require, approve of, or engage in any discrimination or denial of services on the basis of race, color, national origin, sex or handicap..." Policies to be reviewed will include, but not be limited to, the following:

   a. Criteria or formulae for distribution of federal or state vocational education funds;

   b. Requirements for admission to, or requirements for administration of, vocational education programs;

   c. Requirements for "Guidelines for Secondary Vocational Education Programs";

   d. Policies and Procedures Manual for Montana's five postsecondary vocational-technical centers;

   e. Any local actions by local entities providing vocational education services which may cause discriminatory practices; and

   f. State agency policies and procedures governing the conduct of the Board of Regents and the Office of the Superintendent of Public Instruction and their agents in regard to vocational technical education.

3. Review of State-operated Institutions and Programs

   The Board of Regents will report annually on the results of the desk audits and on-site reviews of those state-supported educational institutions under its

jurisdiciton. The Board also will report desk audit and on-site review findings on those state-operated correctional institutions providing vocational education services to postsecondary and secondary clients and receiving funds from the Department of Education.

4. Subrecipients Receiving Agency-level Reviews

The annual report shall list all subrecipients receiving desk audit reviews and shall describe any changes in the procedures, data sources, or analysis contained in the approved MOA.

5. Identification of Subrecipients for On-site Reviews

The annual report shall list each subrecipient receiving an on-site review and a summary of the findings. If any of the subrecipients were in violation of the Guidelines, a copy of the subrecipient's written correspondence or Voluntary Compliance Plan will be included.

6. Technical Assistance Provided

The annual report will provide a list of all subrecipients who requested technical assistance, the types and kinds of technical assistance provided, and the personnel who provided the assistance.

7. Subrecipients Referred to OCR

The annual report will list any subrecipients found to be in noncompliance and referred to OCR as a result of failing to take good faith measures to achieve voluntary compliance.

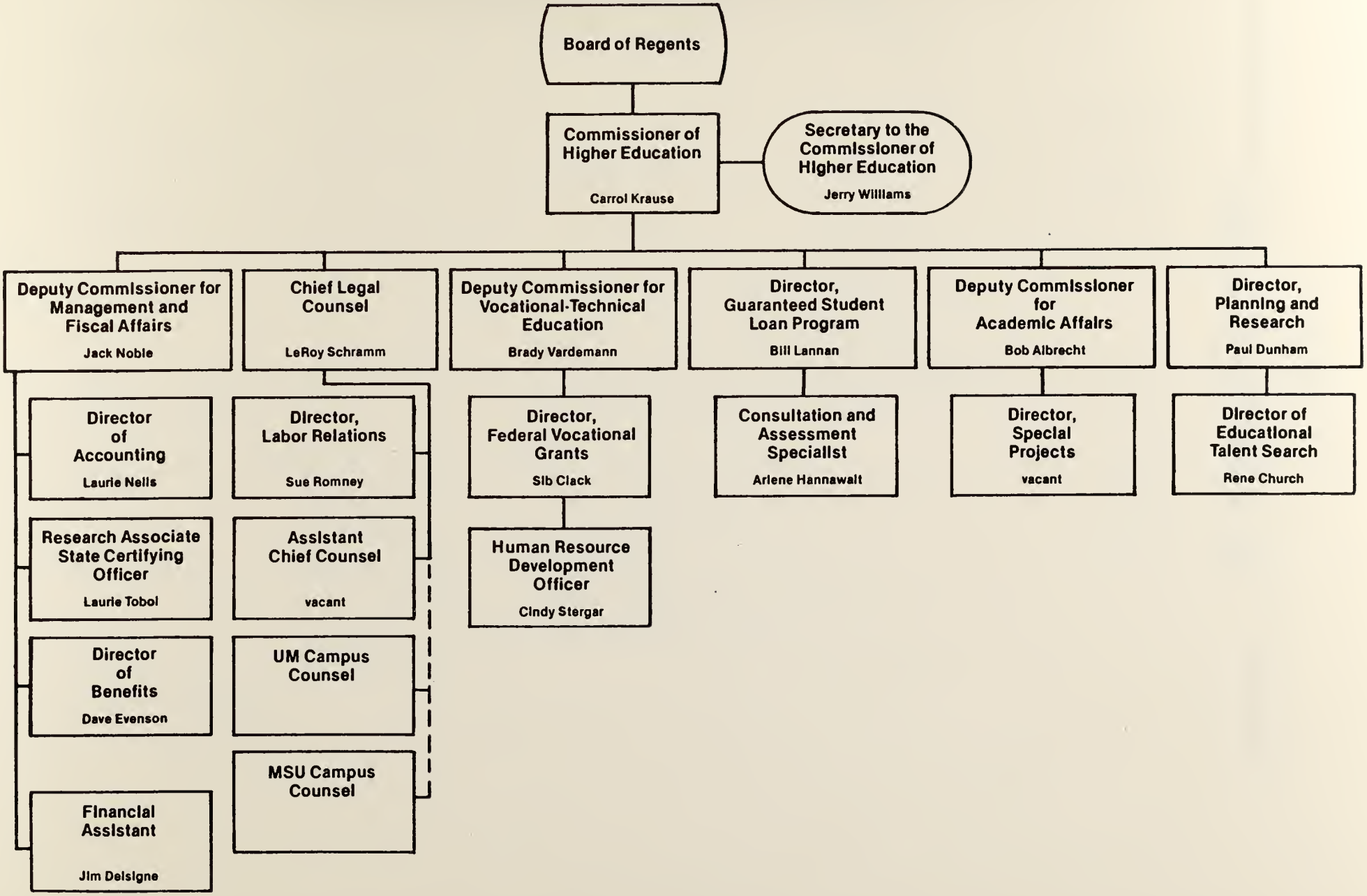
8. Monitoring Reporting

The annual report will summarize the auditing agency's monitoring of any subrecipient found to be in noncompliance to ensure that corrective action has been taken as indicated in its Voluntary Compliance Plan.

APPENDIX A

ORGANIZATIONAL CHART - BOARD OF REGENTS
COMMISSIONER OF HIGHER EDUCATION
DIVISION OF VOCATIONAL-TECHNICAL EDUCATION

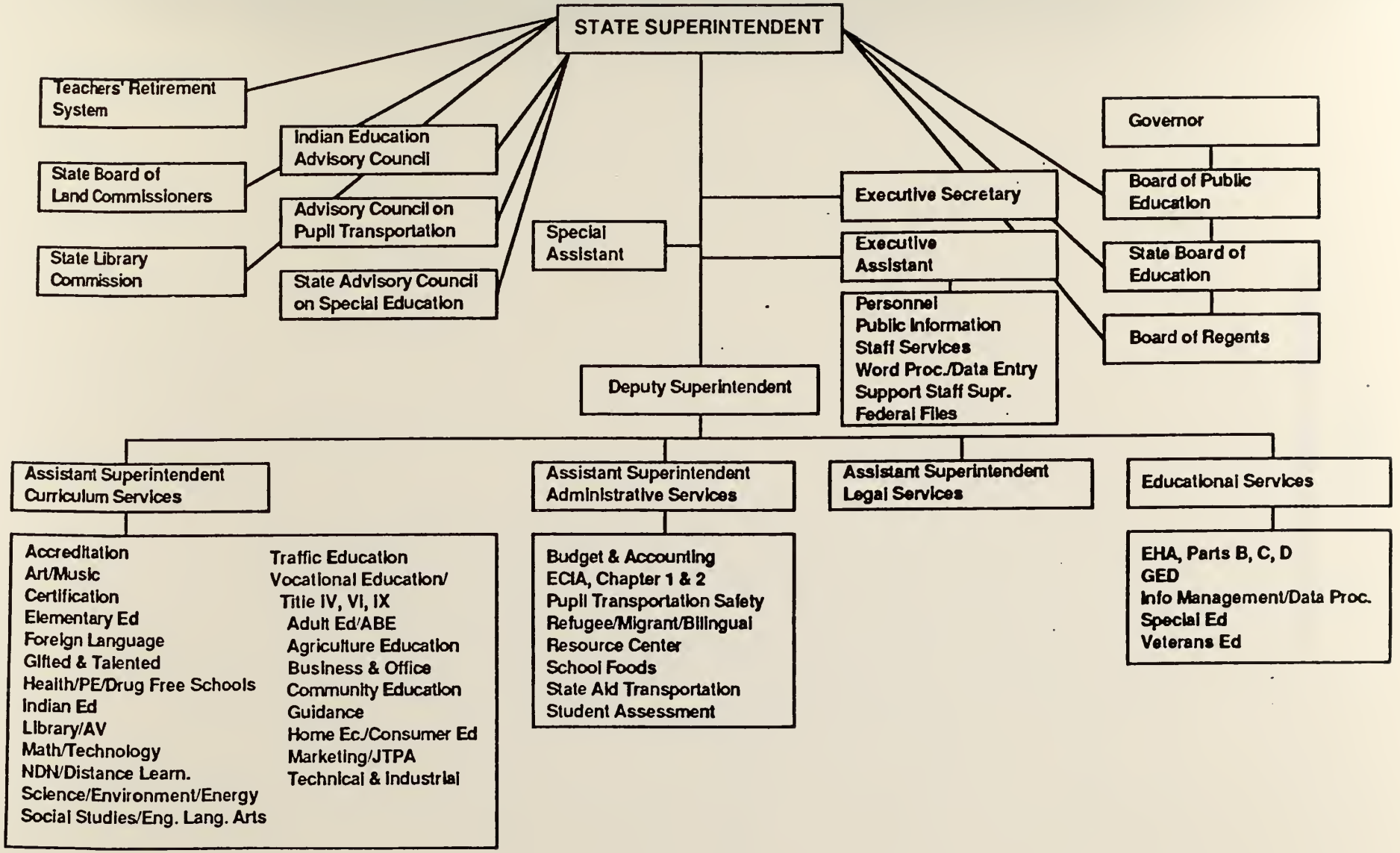
PROFESSIONAL CONTRACT STAFF OF THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION



APPENDIX B

ORGANIZATIONAL CHART - SUPERINTENDENT OF PUBLIC INSTRUCTION
VOCATIONAL EDUCATION SERVICES

ORGANIZATIONAL CHART



APPENDIX C

SECONDARY SUBRECIPIENTS LIST

SECONDARY SUBRECIPIENTS

Absarokee High School
Anaconda High School
Arlee High School
Augusta High School
Bainville High School
Baker High School
Beaverhead County High School
Belfry High School
Belgrade High School
Belt High School
Big Sandy High School
Big Sky High School
Bigfork High School
Big Timber High School
Billings Career Center
Billings Senior High School
Billings West High School
Blue Sky High School
Box Elder High School
Bozeman High School
Bridger High School
Broadview High School
Broadwater County High School
Browning High School
Butte High School
Carter County High School
Cascade High School
Centerville High School
Charlo High School
Chinook High School
Choteau High School
Circle High School
Clyde Park High School
Colstrip High School
Columbia Falls High School
Columbus High School
Conrad High School
Corvallis High School
Culbertson High School
Custer County High School
Custer High School
Cut Bank High School
Dawson County High School
Denton High School
Dodson High School
Dutton High School
Ennis High School
Fairfield High School
Fairview High School
Fergus County High School
Flathead High School
Florence High School
Forsyth High School
Fort Benton High School
Frazer High School
Frenchtown High School
Fromberg High School
Great Falls Alternative Learning
Garfield County High School
Glasgow High School
Grass Range High School
Great Falls PS
Hamilton High School
Hardin High School
Harlem High School
Harlowton High School
Havre High School
Hays/Lodge Pole
Helena Capital High School
Helena High School
Hinsdale High School
Hobson High School
Hot Springs High School
Worden High School
Hysham High School
J-I High School
Jefferson High School
Joliet High School

Joplin High School
Judith Gap High School
Laurel High School
Lewistown
Libby High School
Lincoln County High School
Lodge Grass High School
Malta High School
Manhattan High School
Medicine Lake High School
Melstone High School
Nashua High School
Opheim High School
Park City High School
Park High School
Peerless High School
Plains High School
Plenty Coups High School
Plentywood High School
Plevna High School
Polson High School
Poplar High School
Powder River County High School
Powell County High School
Rapelje
Red Lodge High School
Ronan High School
Rosebud High School
Roundup High School
Rudyard High School
Saco High School
Scobey High School
Seeley/Swan
Sentinel High School
Hellgate High School
Big Sky High School
Shelby High School
Shepherd High School
Sheridan High School
Sidney High School
Simms High School
St. Ignatius High School
St. Regis High School
Stanford High School
Stevensville High School
Sunburst High School
Sweet Grass County High School
Terry High School
Three Forks High School
Troy High School
Turner
Twin Bridges High School
Victor High School
Westby High School
Whitefish High School
Whitehall High School
White Sulpher Springs High School
Wibaux High School
Winifred High School
Winnett High School
Wolf Point High School
West Yellowstone High School

APPENDIX D

POSTSECONDARY CBO'S AND CORRECTIONAL INSTITUTIONS

Community-based Organizations:

Career Futures, Inc.	Butte
Career Training Institute, Inc.	Helena
Displaced Homemaker Services, Dawson CC	Glendive
District IV Human Resource Development Council	Havre
District VI Human Resource Development Council	Lewistown
District X Human Resource Development Council	Kalispell
Gallatin Council on Health and Drugs/Women in Transition	Bozeman
Women's Resource Center	Dillon
W.O.R.D., Inc.	Missoula
YWCA New Horizons	Missoula
YWCA/Workplace	Great Falls
YWCA Women's Center	Billings

Correctional Institutions:

Montana State Prison	Deer Lodge
Alpha House (CBO)	Billings
Pre-Release Center (CBO)	Butte
Swan River Youth Camp	Condon
Women's Correctional Center	Warm Springs

APPENDIX E

DESK AUDIT SUMMARY CHECKLIST

Recipient Institution/Agency _____ Person Completing Form, Title _____ Date _____

ADMINISTRATION AND SUPERVISION

YES	NO	TA		
( )	( )	( )	1.	A comprehensive equity policy has been written and adopted.
( )	( )	( )	2.	The equity policy is inclusive of race, sex, marital status, national origin, or handicapping condition.
( )	( )	( )	3.	Notification of the above policy has been made on an annual basis.
( )	( )	( )	4.	Sources of this notification include: ____ newspapers ____ handbooks ____ announcements ____ bulletin boards ____ other (specify) _____
( )	( )	( )	5.	Name(s) and position(s) of compliance officer(s). Title IX: Name _____ Position _____ 504: Name _____ Position _____
( )	( )	( )	6.	Name(s) are published or posted in: ____ newspapers ____ handbooks ____ announcements ____ bulletin boards ____ other (specify) _____
( )	( )	( )	7.	A student grievance procedure has been adopted.
( )	( )	( )	8.	An employee grievance procedure has been adopted.
( )	( )	( )	9.	Students are made aware of the grievance procedures. How? ____ newspapers ____ handbooks ____ announcements ____ bulletin boards ____ other (specify) _____
( )	( )	( )	10.	Employees are made aware of the grievance procedures. How? ____ newspapers ____ handbooks ____ announcements ____ bulletin boards ____ other (specify) _____
( )	( )	( )	11.	Equitable admission criteria are used for courses, programs, and extracurricular activities.
( )	( )	( )	12.	All employment practices are equitable.

YES	NO	TA		
( )	( )	( )	13.	All program funding is determined without regard to race, sex, national origin, marital status, or handicapping condition.
( )	( )	( )	14.	All co-curricular activities are nondiscriminatory in terms of race, sex, marital status, national origin or handicapping condition.
( )	( )	( )	15.	Females and males are offered equal opportunities for extracurricular activity.
( )	( )	( )	16.	Student and faculty handbooks and other school publications are free of bias.
( )	( )	( )	17.	Rules or policies relating to pregnancy for either students or employees are not discriminatory.
( )	( )	( )	18.	Rules or policies relating to marital status for either students or employees are not discriminatory.
( )	( )	( )	19.	Special courses or programs provided for pregnant students are voluntary.
( )	( )	( )	20.	Diverse role models (male/female, culture/races, handicapped) are recruited for employment at all levels throughout the agency.
( )	( )	( )	21.	Inservice equity training is provided for all staff members.

INSTRUCTIONAL PROGRAM

( )	( )	( )	1.	In classes or programs where enrollment is more than 80% female or male, remedial steps have been taken to encourage the participation of all students.
( )	( )	( )	2.	Where sex, race, national origin, or handicap stereotyping or bias may be present in textbooks or other materials, steps have been taken to modify or supplement the inappropriate material.
( )	( )	( )	3.	All programs or activities are accessible to handicapped students.
( )	( )	( )	4.	Discriminatory requests for employment of either students or employees are not accepted.
( )	( )	( )	5.	All counseling and guidance materials are free from sex, race, handicap, marital status, or national origin bias, stereotyping, and/or discrimination.
( )	( )	( )	6.	Steps have been taken to provide special English help to students identified as Limited English Proficient.

FACILITIES

YES	NO	TA		
( )	( )	( )	1.	Parking spaces are available for handicapped people.
( )	( )	( )	2.	There are signs reserving parking spaces for handicapped people.
( )	( )	( )	3.	There are curb cuts and ramps where necessary.
( )	( )	( )	4.	Public toilets are available on each floor of the building for both sexes.
( )	( )	( )	5.	A toilet stall to accommodate a wheelchair is provided for both sexes.

COMMENTS: _____

APPENDIX F

SUMMARY OF ON-SITE TECHNIQUES

APPENDIX F

SUMMARY OF ON-SITE TECHNIQUES

TECHNIQUE	DATA SOURCE	INSTRUMENT
1. Interview	Teachers	Interview Agenda
	Counselors	
	Administrators	
	Students	
	Advisory Committee Members	
2. Observation	Classrooms	Section 504 Checklist
	Laboratories	
	General Facilities (for access)	
	Transportation Services	
3. Review of Information	Title IX Plan	On-Site Compliance Checklist
	504 Plan	
	Policy Manuals	
	Student Handbooks	
	Class Schedules	
	Union Contracts	
	Budgets	

APPENDIX G

ON-SITE COMPLIANCE CHECKLIST

ON-SITE COMPLIANCE CHECKLIST

Subrecipient Reviewed: _____
Date(s) Reviewed: _____

I. ACCESS

A subrecipient institution shall operate its vocational program or activity so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. This does not require a subrecipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

Status:	Data Source(s):
___ Compliance ___ Noncompliance	Section 504 Compliance Checklist

II. ADMISSIONS AND PUBLIC NOTIFICATION

Criteria controlling student eligibility for admission to vocational education institutions, facilities and programs may not unlawfully discriminate on the basis of race, color, national origin, sex or handicap. A subrecipient institution may not develop, impose, maintain, approve, support or implement such discriminatory admissions criteria.

Status:	Data Source(s):
___ Compliance ___ Noncompliance	Admissions forms
___ Compliance ___ Noncompliance	Policy Manuals/Catalogs/Student Handbooks
___ Compliance ___ Noncompliance	Public Notification - newspaper notices, PSA's, postings
___ Compliance ___ Noncompliance	Interviews

III. GUIDANCE AND COUNSELING

Subrecipient must ensure that their counseling materials and activities (including student program selection and career/employment selection), promotional and recruitment efforts do not discriminate on the basis of race, color, national origin, sex or handicap.

Subrecipient:_____

(Guidance and Counseling, continued)

Status:	Data Source(s):
___ Compliance ___ Noncompliance	Interviews
___ Compliance ___ Noncompliance	Assessment instruments
___ Compliance ___ Noncompliance	Recruitment schedule, materials, presenters

IV. EQUAL OPPORTUNITY IN VOCATIONAL EDUCATION/TECHNICAL INSTRUCTIONAL SETTING

No qualified person shall, on the basis of handicap, race, color, national origin, sex or handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any vocational program or activity, including student housing and financial assistance.

Status:	Data Source(s):
___ Compliance ___ Noncompliance	Interviews
___ Compliance ___ Noncompliance	Student housing records, including review of subrecipient's relationship to private housing offers
___ Compliance ___ Noncompliance	Financial aid records, conditions of scholarships available
___ Compliance ___ Noncompliance	Membership in extracurricular activities, membership dues, conditions

V. STUDENT EMPLOYMENT RELATED SERVICES

A subrecipient must ensure that: (a) it does not discriminate against its students on the basis of race, color, national origin, sex or handicap in making available opportunities in cooperative education, work study and job placement programs; and (b) students participating in cooperative education, work study and job placement programs are not discriminated against by employers or prospective employers on the basis or race, color, national origin, sex or handicap in recruitment, hiring placement, assignment, levels of responsibility or in pay.

Subrecipient:_____

(Student Employment continued)

Status:	Data Source(s):
___ Compliance ___ Noncompliance	Interviews
___ Compliance ___ Noncompliance	Review of written agreements with employers
___ Compliance ___ Noncompliance	Review of enrollment in cooperative education, work study
___ Compliance ___ Noncompliance	Review of placement data

VI. EMPLOYMENT OF FACULTY AND STAFF

Subrecipients may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex, race, color, national origin or handicap.

Status:	Data Source(s):
___ Compliance ___ Noncompliance	Interviews
___ Compliance ___ Noncompliance	Review of union contracts, employee manuals, job announcements
___ Compliance ___ Noncompliance	Distribution of employees in full-time/tenured positions, by subject area taught, by management positions

APPENDIX H

VOLUNTARY PLAN OF COMPLIANCE

VOLUNTARY PLAN OF CIVIL RIGHTS COMPLIANCE

Agency: _____

COMPLIANCE PROBLEM	REMEDIAL TASK(S)	PLANNED INITIATION DATE	PLANNED COMPLETION DATE	PERSON RESPONSIBLE	NEEDED RESOURCES	NEEDED TECHNICAL ASSISTANCE	REPORTING DATES